IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 3386 of 2004(C)

PETITIONER:
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1. M. BALAKRISHNAN, S/O. NARAYANAN
NAMBISAN, BRANCH MANAGER, SULTHAN'S BATTERY
CO-OPERATIVE URBAN BANK LTD.,
SULTHAN BATHERY.

2. V.C. KURIAKOSE, S/O. CHACKO,
DEPUTY GENERAL MANAGER, SULTHAN'S BATTERY
CO-OPERATIVE URBAN BANK LTD.,
SULTHAN BATHERY.

3. BABY P.V. S/O. VARGHESE,
BRANCH MANAGER, SULTHAN'S BATTERY
CO-OPERATIVE URBAN BANK LTD.,
SULTHAN BATHERY.

4. SURESH K.G., S/O. C.S. GOPALA PILLAI
BRANCH MANAGER, SULTHAN'S BATHERY
CO-OPERATIVE URBAN BANK LTD.,
SULTHAN BATHERY.

BY ADV. SRI.DEVAN RAMACHANDRAN
SMT.ASHA MOHAN

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED
BY CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.

2. THE JOINT REGISTRAR (GENERAL)
OF CO-OPERATIVE SOCIETIES, WAYANAD, KALPETTA.

3. THE SULTHAN'S BATTERY CO-OPERATIVE
URBAN BANK LTD., REPRESENTED BY ITS
GENERAL MANAGER.

4. THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES (GENERAL),
WAYANAD.

BY ADV. SRI.B.S.SWATHI KUMAR,SC.CO.OP.E COMMN.
SRI.P.N.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.NO.3386/04

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF RESOLUTION OF THE THIRD RESPONDENT DT. 5.4.2001.

EXT.P2 : COPY OF THE INSPECTION REPORT NO.1/2002 DT. 14.1.2002.

EXT.P3 : COPY OF THE REPLY ISSUED BY THE PETITIONER TO THE PART TIME ADMINISTRATOR OF THE BANK NO.NIL DT. 22.1.2002.

EXT.P4 : COPY OF THE RESOLUTION OF THE BANK NO.6 DT. 26.3.2002.

EXT.P5 : COPY OF THE NOTICE ISSUED BY THE GENERAL MANAGE NO.AO/CO.13/02 DT. 24.6.2002.

EXT.P6 COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE GENERAL MANAGER NO. NO.AO/ESTT.1.3.2003 DT. 21.1.2003

EXT.P7 COPY OF THE REPLY LETTER ISSUED BY THE PETITIONER DT. 6.2.2003.

EXT.P8 COPY OF THE NOTICE ISSUED BY THE GENERAL MANAGER NO.AO/ESTT.01.13/03 DT. 27.12.2003 TO THE PETITIONER.

EXT.P9 COPY OF ORDER OF THE 2ND RESPONDENT DT. 18.11.2003.

TGS

KURIAN JOSEPH J.

W.P.(C) No.3386 of 2004

Dated 17th August, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of certiorari or other appropriate writ, order or direction quashing Exts.P5 and P8 notices as illegal and unconstitutional;
>
> (ii) Issue a writ of mandamus or other appropriate writ, order or direction to compel the 3rd respondent to consider and pass appropriate orders on Ext.P7 representation of the petitioners."

The issue pertains to the steps taken by the Bank for recovery of the unauthorised petrol allowance drawn by the petitioners. Since the Bank has already taken a decision, there is no point in directing the Bank to consider Ext.P7. The decision is actually taken by the Joint Registrar. Therefore, in case the petitioners have a case that they have not been heard in the matter, it will be open to them either to approach the Joint Registrar for considering the matter after hearing them or it will be open to them to pursue the appellate remedy before the Government. In order to enable the petitioners to work out the remedy as above, the recovery pursuant to the impugned notices shall be deferred for a further period of six months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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